

GABROY | MESSER
170 S. Green Valley Pkwy., Suite 280
Henderson, Nevada 89012
(702) 259-7777 FAX: (702) 259-7704

Christian Gabroy
Nev. Bar No. 8805
Kaine Messer
Nev. Bar No. 14240
GABROY | MESSER
The District at Green Valley Ranch
170 South Green Valley Parkway
Suite 280
Henderson, Nevada 89012
Tel. (702) 259-7777
Fax. (702) 259-7704
christian@gabroy.com
kmesser@gabroy.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR AGUIRRE-VILLANUEVA,
individually and on behalf of all others
similarly situated;

Plaintiff

vs.

HMB LLC d/b/a and a/k/a SERVEHZAH
BOTTLE SHOP AND TAP ROOM;
EMPLOYEE(S)/AGENT(S); DOES 1-10;
and ROE CORPORATIONS 11-20,
inclusive,

Defendants

Case No.: 2:23-cv-01001-CDS-MDC

**STIPULATION AND ORDER
TO DISMISS CLASS
CLAIMS WITHOUT
PREJUDICE**

Plaintiff Victor Aguirre-Villanueva ("Plaintiff") and Defendant HMB LLC d/b/a and a/k/a Servehzah Bottle Shop and Tap Room ("Defendant") (together the "Parties"), by and through their respective counsel of record, pursuant to the amicable resolution achieved at mediation (see ECF No. 15) and in compliance with the January 30, 2024 Order of this Court (see ECF No. 16), hereby provide this Joint Status Report and furthermore stipulate to a dismissal without prejudice of Plaintiff's class and collective action claims (see ECF No. 1-1, pp. 10-12, 16).

Accordingly, the Parties agree to and stipulate as follows:

8. As further part of the agreement, the parties shall file a stipulation and order to dismiss with prejudice Plaintiff's remaining individual claims no later than seven (7) days from Plaintiff's receipt of the settlement funds.

Dated this 1st day of March 2024.

Dated this 1st day of March 2024.

Respectfully submitted,

Respectfully submitted,

GABROY | MESSER

LEWIS ROCA ROTHGERBER CHRISTIE LLP

/s/ Christian Gabroy

/s/ John McCormick-Huhn

Christian Gabroy
Nev. Bar No. 8805
Kaine Messer
Nev. Bar No. 14240
The District at Green Valley Ranch
170 South Green Valley Parkway
Suite 280
Henderson, NV 89012
christian@gabroy.com
kmesser@gabroy.com
Attorneys for Plaintiff

Jennifer K. Hostetler
Nev. Bar No. 11994
John McCormick-Huhn
Nev. Bar No. 15961
3993 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169
jhostetler@lewisroca.com
jmcormick-huhn@lewisroca.com
Attorneys for Defendant

ORDER

Based on the parties' stipulation, plaintiff's collective and class action claims (ECF No. 1-1 at 9-12 (¶¶ 45-70)) are dismissed without prejudice.

IT IS HEREBY ORDERED that the exchange of settlement funds regarding plaintiff's individual claims are due by March 19, 2024.

IT IS FURTHER ORDERED that the parties must file a stipulation of dismissal as to plaintiff's remaining claims no later March 26, 2024.


UNITED STATES DISTRICT JUDGE

Dated: March 4, 2024

GABROY | MESSER
170 S. Green Valley Pkwy., Suite 280
Henderson, Nevada 89012
(702) 259-7777 FAX: (702) 259-7704